

Amendments to the Claims

Claims 1-35. (Cancelled)

Claim 36. (Currently Amended) A method of using fetal body tissue, said method comprising inserting a removal apparatus into a donor percutaneously through a cannula ~~percutaneous incision, wherein the removal apparatus includes a shaft that is at least partially flexible, guiding the removal apparatus to a desired location within the donor's body, the removal apparatus movable along a non-linear path,~~ separating portions of fetal tissue from other portions of the donor, moving the separated portions of fetal tissue along a passage in the removal apparatus by suction, maintaining sterility viability of the removed separated portions of fetal tissue for harvesting and transplantation, and implanting the separated portions of fetal tissue in a patient.

Claim 37. (Cancelled)

Claim 38. (Previously Presented) The method of claim 37 wherein a rotating motion is used to separate the portions of fetal tissue.

Claim 39. (Previously Presented) The method of claim 37 wherein a reciprocating motion is used to separate the portions of fetal tissue.

Claim 40. (Previously Presented) The method of claim 36 further comprising a step of irrigating the fetal tissue.

Claim 41. (Previously Presented) The method of claim 40 wherein irrigating and applying suction alternates.

Claim 42. (Previously Presented) The method of claim 40 wherein irrigating and applying suction occur substantially simultaneously.

Claim 43. (Previously Presented) The method of claim 36 wherein the passage includes a filter.

Claims 44-45. (Cancelled)

Claim 46. (Previously Presented) The method of claim 36 further including, prior to implantation, combining the separated portions of fetal tissue with a material selected from the group consisting of tissue grafts, collagen, and bone growth promoting substances.

Claim 47. (Previously Presented) The method of claim 36 further including adding an adhesive element to the separated portions of fetal tissue prior to implantation.

Claim 48. (Previously Presented) The method of claim 47 wherein the adhesive element is blood or fibrin.

Claim 49. (Previously Presented) The method of claim 36, further including adding a biodegradable material to the separated portions of fetal tissue prior to implantation.

Claim 50. (Previously Presented) The method of claim 36 further including adding a polymer to the separated portions of fetal tissue prior to implantation.

Claims 51-52. (Cancelled)

Claim 53. (Currently Amended) The method of claim 36 wherein separating is

performed through [[a]] the cannula.

Claims 54-56. (Cancelled)

Claim 57. (Currently Amended) The method of claim 36 wherein the removal apparatus includes [[the]] a shaft ~~includes with~~ a cutting tip mounted on a distal portion and drive means, the drive means connected in a force-transmitting relationship with the shaft for transmitting force to move the cutting tip and wherein ~~cutting with the cutting~~ tip separates the portions of fetal tissue from the other portions of the donor.

Claim 58. (Cancelled)

Claim 59. (Previously Presented) The method of claim 57 wherein the shaft further includes a flexible inner member which is rotatable about a central axis of the shaft and an outer member which extends along and encloses the inner member.

Claim 60. (Previously Presented) The method of claim 59 wherein the outer member has greater rigidity than the inner member.

Claim 61. (Previously Presented) The method of claim 60 wherein the passage is located between the inner and outer members.

Claims 62-65. (Cancelled)

Claim 66. (Currently Amended) The method of claim 57 wherein the cutting tip includes at least one aspiration opening[[s]] located on an outer periphery and spaced from a distal end, the at least one aspiration opening[[s]] operable for fluid communication with the passage.

Claim 67. (Previously Presented) The method of claim 36 wherein the separated portions of fetal tissue are harvested and transplanted into the donor from whom the tissue was removed.

Claim 68. (Withdrawn-Currently Amended) ~~[[A]] The method of using body tissue claim 84, said method further comprising the steps of moving at least a portion of a shaft of an elongate member through a percutaneous incision in a donor such that a leading end of the shaft is located within cortical confines of passing at least a portion of the removal apparatus through a cortical bone layer to a location inside the bone; removing body tissue from the donor through the percutaneous incision, whereby the removed , wherein the separated~~ body tissue is removed from within the bone, contains viable cells, and ~~is~~ substantially free of ~~hard cortical~~ bone; conveying the removed body tissue along a passage in the shaft under the influence of suction; and implanting at least one component of the removed body tissue in a patient, wherein the at least one component includes viable cells and is maintained sterile until implantation.

Claim 69. (Withdrawn-Currently Amended) The method of claim 68 wherein ~~the removal apparatus includes a flexible shaft with a leading end and~~ the step of removing body tissue includes controlling position of the leading end of the shaft, ~~the shaft flexible such that the leading end is movable along a nonlinear path.~~

Claim 70. (Withdrawn-Currently Amended) The method of claim 68 wherein prior to implantation the at least one component of the ~~removed~~ separated body tissue is combined with a material selected from the group consisting of tissue grafts, collagen, antibiotics, and a bone growth promoting substance.

Claim 71. (Withdrawn) The method of claim 70 wherein the bone growth promoting substance is hydroxyapatite or tricalcium phosphate.

Claim 72. (Withdrawn) The method of claim 68 wherein an adhesive element is added to the at least one component of the removed body tissue.

Claim 73. (Withdrawn) The method of claim 72 wherein the adhesive element is blood or fibrin.

Claim 74. (Withdrawn-Currently Amended) The method of claim 68 further comprising the step of adding the at least one component of the ~~removed~~ separated body tissue to a polymer.

Claim 75. (Withdrawn-Currently Amended) The method of claim 68 wherein at least one of the steps of ~~removing~~ moving and implanting is performed through [[a]] the cannula.

Claim 76. (Withdrawn-Currently Amended) The method of claim 68 wherein at least one of the steps of ~~removing~~ moving and implanting is performed under endoscopic, arthroscopic, or fiber optic guidance.

Claim 77. (Withdrawn) The method of claim 68 wherein the donor is the patient.

Claim 78. (Withdrawn-Currently Amended) The method of claim 68 wherein the at least one component of the ~~removed~~ separated body tissue is separated from the removed tissue by using a filter.

Claim 79. (Withdrawn-Currently Amended) The method of claim 78 wherein the at least one component of the ~~removed~~ separated body tissue is implanted with a retainer.

Claim 80. (Previously Presented) The method of claim 36 further including

introducing a sleeve having a plurality of inflatable elements spaced serially, the inflatable elements operable for control of rigidity of the removal apparatus.

Claim 81. (Previously Presented) The method of claim 80 including forming the removal apparatus into a desired shape or position by selectively and individually inflating or deflating the plurality of inflatable elements.

Claim 82. (New) The method of claim 36 wherein at least a portion of the removal apparatus is flexible.

Claim 83. (New) The method of claim 36 wherein at least a portion of the removal apparatus is movable along a nonlinear path.

Claim 84. (New) A method of using body tissue, said method comprising inserting a removal apparatus into a donor percutaneously through a cannula, guiding the removal apparatus to a desired location within the donor's body, separating portions of body tissue from other portions of the donor, moving the separated portions of body tissue along a passage in the removal apparatus by suction, maintaining viability of the removed separated portions of body tissue for harvesting and transplantation, and implanting the separated portions of body tissue in a patient.

Claim 85. (New) The method of claim 84 wherein the body tissue includes fetal tissue.

Claim 86. (New) The method of claim 84 wherein the body tissue includes bone.

Claim 87. (New) The method of claim 86 wherein the bone includes cancellous bone.

Claim 88. (New) The method of claim 84 further comprising a step of irrigating the body tissue.

Claim 89. (New) The method of claim 84 wherein the passage includes a filter.

Claim 90. (New) The method of claim 84, further including adding a biodegradable material to the separated portions of body tissue prior to implantation.

Claim 91. (New) The method of claim 84 wherein the separated portions of fetal tissue are harvested and transplanted into the donor from whom the tissue was removed.

Claim 92. (New) The method of claim 57 wherein the tip includes at least one aspiration opening located on a side of the tip, the at least one aspiration opening operable for fluid communication with the passage.

Claim 93. (New) The method of claim 84 wherein the removal apparatus includes a shaft with a tip mounted on a distal portion, the tip operable to separate portions of body tissue from other portions of the donor.

Claim 94. (New) The method of claim 96 wherein the tip includes at least one aspiration opening located on a side of the tip, the at least one aspiration opening operable for fluid communication with the passage

Claim 95. (New) The method of claim 84 wherein at least a portion of the removal apparatus is flexible.

Claim 96. (New) The method of claim 84 wherein at least a portion of the removal apparatus is movable along a nonlinear path.

Claim 97. (New) The method of claim 36 further comprising the step of expanding at least a portion of at least one of the removal apparatus and cannula.

Claim 98. (New) The method of claim 84 further comprising the step of expanding at least a portion of at least one of the removal apparatus and cannula.

Claim 99. (New) The method of claim 57 wherein the separating step includes cutting body tissue with the tip.

Claim 100. (New) The method of claim 93 wherein the separating step includes cutting body tissue with the tip.

Claim 101. (New) The method of claim 36 further comprising the step of positioning a trocar with respect to the cannula.

Claim 102. (New) The method of claim 84 further comprising the step of positioning a trocar with respect to the cannula.

Claim 103. (New) The method of claim 101 wherein the trocar is positioned within the cannula.

Claim 104. (New) The method of claim 102 wherein the trocar is positioned within the cannula.

Claim 105. (New) The method of claim 36 further comprising the step of positioning the cannula with a trocar.

Claim 106. (New) The method of claim 84 further comprising the step of positioning the cannula with a trocar.

Claim 107. (New) The method of claim 101 wherein body tissue passes through the trocar.

Claim 108. (New) The method of claim 102 wherein body tissue passes through the trocar.

Claim 109. (New) The method of claim 36 wherein the donor is the patient.

Claim 110. (New) The method of claim 36 further comprising the step of passing at least a portion of an instrument into the cannula.

Claim 111. (New) The method of claim 84 further comprising the step of passing at least a portion of an instrument into the cannula.